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| 10/806,718 | 03/23/2004 | Michael Joist | 1689.007US1 | 2652 |

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH
1600 TCF TOWER
121 SOUTH EIGHT STREET
MINNEAPOLIS, MN 55402

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| EXAMINER |
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HARVEY, JAMES R

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| ART UNIT | PAPER NUMBER |
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2833

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,718

Applicant(s)

JOIST, MICHAEL

Examiner

James R. Harvey

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**** Claim(s) 1-4, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ulrich (6220879).**

-- In reference to Claim(s) 1, Ulrich shows (cover sheet)

a circuit board 39;

a switch 11 for active-passive switching of the plug-in module; and

a swivel-mounted lever/pull handle 6 with a gripper arm 5 located in a frontal area 7 of the plug-in module; wherein the gripper arm 5 of the lever/pull handle 6 carries a rotatably connected control lever 17 with a stepping pawl 23 to operate the switch 11 when the plug-in module is completely inserted.

-- In reference to Claim(s) 2, Ulrich shows (cover sheet) the stepping pawl 23 of the control lever 17 has a locking nose 19 that can be locked behind a locking edge (see examiner's figure) in the front area 7 of the plug-in module 2.

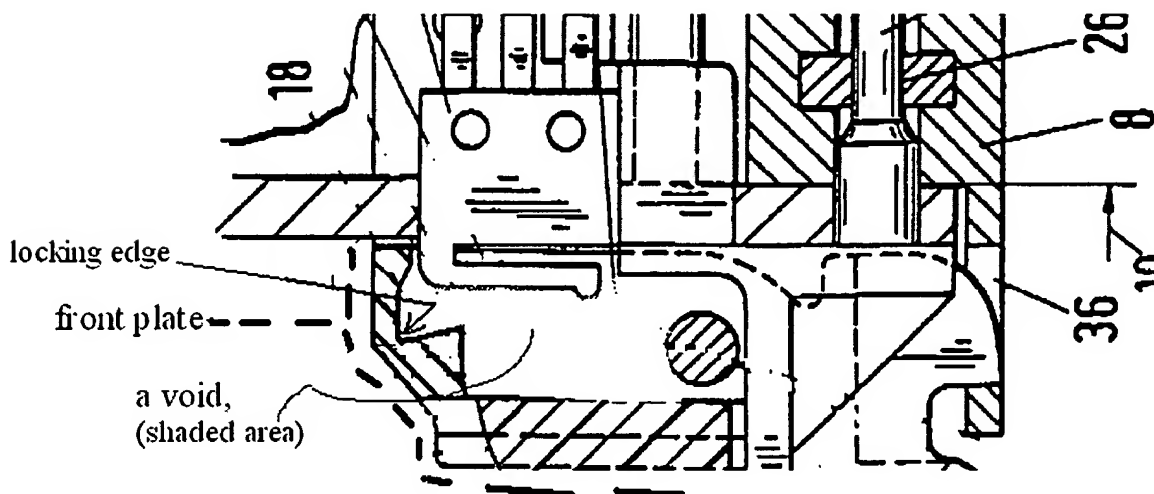
-- In reference to Claim(s) 3, Ulrich shows (cover sheet) a front plate (see examiner's figure) with a void, which forms the locking edge 18 and through which the stepping pawl 23 reaches.

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-- In reference to Claim(s) 4, Ulrich shows (cover sheet) the stepping pawl 23 has a switching area (to the right of numeral 23; figure 3) at its free end that effects the switch 11.

-- In reference to Claim(s) 6, Ulrich shows (cover sheet) the switch 11 is designed as an electrical switch 11.

-- In reference to Claim(s) 9, Ulrich shows (figure 3) a spring tongue 19 is coupled to the control lever 17 and the swivel-mounted lever/pull handle 6 has a groove (near locking edge; see examiner's figure) into which the spring tongue 19 grips.



** Claim(s) 1, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Han et al. (5989043).

-- In reference to Claim(s) 1, Ulrich shows (cover sheet)

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a circuit board 123;

a switch 121 for active-passive switching of the plug-in module; and

a swivel-mounted lever/pull handle 150 with a gripper arm 140 (140 is seen to be an arm that grips panel 100) located in a frontal area of the plug-in module 100; wherein the gripper arm 140 of the lever/pull handle 150 carries a rotatably connected control lever 170 with a stepping pawl 174 to operate the switch 121 when the plug-in module is completely inserted.

-- In reference to Claim(s) 4, Han shows (cover sheet) the stepping pawl 174 has a switching area (the nesting area; figure 7b) at its free end that effects the switch 121.

-- In reference to Claim(s) 6, Han shows (cover sheet) the switch 121 is designed as an electrical switch.

Allowable Subject Matter

- Claim(s) 7 and 8 have allowable subject matter.
- Claim(s) 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- The following is a statement of reasons for the indication of allowable subject matter: The prior art does not show the unique structure of the control lever has an operating arm that is U-shaped in cross-section, between whose U-legs the gripping arm of the swivel-mounted lever/pull handle can be swiveled. This structure, in combination with all the other elements of the claim is not seen to be anticipated by the prior art and the examiner knows of no permissible

motivation to combine the prior art such that the subject matter as a whole would have been obvious at the time the invention was made.

- If the application becomes allowable, any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowable Subject Matter".

Response to Arguments

-- In response to applicant's assertion (page 4, line 19) that control lever 17 of Ulrich is "neither carried nor rotatably connected to lever 6, this argument is not persuasive because the particulars that would require the control lever to be rotatably connected to the lever are not precisely claimed. The relevant claim language that is shown by Ulrich (cover sheet) is the gripper arm 5 of the lever 6 carries a rotatably connected control lever 17. The control lever is shown more fully in figure 2. The control lever 17 of Ulrich is carried within the gripper arm 5 and is rotatably connected to the same axis 16 of the plug-in module as the gripper arm 5 (figure 2). All subject matter that is the equivalent of the subject matter as defined in the claim, even though specifically different from the definition in the claim, must be considered unless expressly excluded by the claimed subject matter. See MPEP 904.01(b).

The claim limitations only require the control lever to be rotatably connected to the plug-in module not to the lever of the module. The claim language defines applicant's invention and arguments based upon words that are not precisely claimed are considered moot.

-- In response to applicant's assertion (page 5, line 21) that the gripper arm 140 of Han cannot be part of the swivel-mounted lever/pull handle 150, the examiner disagrees. This assertion is seen

to imply that the swivel-mounted lever/pull handle 150 and griper arm 140 are not members dependent upon each other. Han specifically points out that the griper arm 140 is an element of the insertion/ejecting device 130 (column 5, line 21) and figure 3 shows that 130 includes swivel-mounted lever/pull handle 150. Han teaches a swivel-mounted lever/pull handle 150 with a griper arm 140 and makes the recitation unpatentable.

-- In response to applicant's assertion (page 5, line 24) that Han does not read on “ a swivel-mounted lever/pull handle with a griper arm”, the examiner disagrees. Han shows (cover sheet) a swivel-mounted lever/pull handle 150 with an arm 140 that, as taught by Han (column 5, line 24) grips the swivel-mounted lever/pull handle 150, the front of the panel 100.

Conclusion

- This application contains claim 5 drawn to an species nonelected with traverse in Papers dated 4-11-05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
- **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 571-272-2007. The examiner can normally be reached on 8:00 A.M. To 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 extension 33.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.

- Applicant is encouraged to send correspondence through the central fax at 571-273-8300.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James R. Harvey, Examiner

jrh
January 2, 2006